

**SUMF**  
**Exhibit L –**  
**Rindner Dep.**

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

STEPHANIE CAMPBELL,

Plaintiff,

V. Civil Action No. 4:21-cv-00557-RK

GANNETT COMPANY, INC., et al.,

Defendants.

Zoom deposition of JESSE RINDNER,  
held on Wednesday, October 5, 2022, commencing at  
10:24 a.m., before Kathleen McHugh, RPR, CRR,  
CCR-NJ, and Notary Public.

**CERTIFIED  
TRANSCRIPT**



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<p>1 APPEARANCES: 2 McDOWELL, RICE, SMITH &amp; BUCHANAN, P.C. 3 BY: ARTHUR K. SHAFFER, ESQUIRE 4 Ashaffer@mcdowellrice.com 5 605 W. 47th St., Suite 350 6 Kansas City, MO 64112 7 816-753-5400 8 Counsel for Plaintiff 9 LEWIS RICE LLC 10 BY: JOSEPH MARTINEAU, ESQUIRE 11 Jmartineau@lewisrice.com 12 BY: LINDSEY MUSE BRUNO, ESQUIRE 13 Lbruno@lewisrice.com 14 600 Washington Avenue, Suite 2500 15 St. Louis, MO 63101 16 314-444-7600 17 Counsel for Defendants 18 ALSO PRESENT: 19 Dina Jones, Paralegal 20 21 22 23 24 25</p>	<p>Page 2</p> <p>1 COURT REPORTER: Are there any 2 stipulations I need to know? 3 MR. SHAFFER: No. 4 JESSE RINDNER, having been duly sworn, 5 was examined and testified as follows: 6 EXAMINATION 7 BY MR. SHAFFER: 8 Q. Good morning, Ms. Rindner. How are you? 9 A. I'm good. How are you? 10 Q. Good. 11 Have you had a deposition before? 12 A. No. 13 Q. So let me just kind of run through some of 14 the basics. Obviously, today we're here to take 15 your -- to get your testimony and to have you 16 answer some questions for us. 17 It's a case involving my client and 18 Gannett publication and a number of different 19 Gannett publications. 20 I understand that you worked for 21 Gannett; is that correct? 22 A. Yes. 23 Q. Do you currently work for Gannett? 24 A. No. 25 Q. My understanding is Mr. Martineau is going</p> <p>Page 4</p>
<p>1 EXAMINATION INDEX 2 Jesse Rindner 3 BY MR. SHAFFER . . . . . 4 4 5 EXHIBIT INDEX 6 Exhibit 7 10 Video 66 8 11 Spreadsheet 101 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>Page 5</p> <p>1 to be -- is there to assist you in today's 2 deposition, even though you don't work for Gannett. 3 He represents Gannett, but he's also 4 going to be assisting you in today's deposition. 5 Is that your understanding? 6 A. Yes. 7 Q. As part of today's conversation, I'm going 8 to ask you some questions. And I'm going to look 9 for some answers, but it's important that you give 10 me verbal responses. 11 We've got a court reporter here today 12 who's here to take down your testimony, and so she 13 has to have something to type up when you answer a 14 question. 15 So when you shake your head, it 16 doesn't help her record that for the record. So if 17 you can give us a verbal response, a yes, a no, or 18 whatever the appropriate response would be, that 19 will help today's deposition go along. 20 A. Sounds good. 21 (Ms. Jones joins the deposition.) 22 BY MR. SHAFFER: 23 Q. I'm going to ask you questions. Obviously, 24 we're doing this using technology. That means at 25 some times you may not hear my question because of</p>

<p style="text-align: right;">Page 10</p> <p>1 taking these days off. It's very nice.</p> <p>2 Q. Well, congratulations on your -- on your</p> <p>3 role with the DNC.</p> <p>4 Now, where are you based out of?</p> <p>5 A. I work from home, it's remote, so Jersey</p> <p>6 City, New Jersey.</p> <p>7 Q. And then where did you work before the DNC?</p> <p>8 A. Right before, I worked at a company called</p> <p>9 Overtime. It's a sports media company.</p> <p>10 Q. What did you do for them?</p> <p>11 A. The same thing, editing, video editing.</p> <p>12 Q. And when you say "editing," you mean you</p> <p>13 take content, you put it in some type of a video,</p> <p>14 you add music to it, and you publish it in social</p> <p>15 media?</p> <p>16 A. Yes. I don't do the publishing myself, but</p> <p>17 I give it to some -- I give the final videos to</p> <p>18 someone and they publish it.</p> <p>19 Q. And are they -- are they published on social</p> <p>20 media?</p> <p>21 A. Yes.</p> <p>22 Q. Are they published in other types of media?</p> <p>23 A. Not that I know of.</p> <p>24 Q. So -- and was this a -- for commercial</p> <p>25 purposes? I mean, was it a -- advertisements,</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. And when did you start working at USA Today?</p> <p>2 A. I think the -- I don't remember.</p> <p>3 Q. Do you have an approximation?</p> <p>4 A. Yeah. I think around 2018, maybe, the</p> <p>5 summer of 2018 or 2019.</p> <p>6 Q. And when -- how long did you work there?</p> <p>7 A. About two years.</p> <p>8 Q. Until?</p> <p>9 A. Until the summer of 2020, I'm pretty sure.</p> <p>10 Q. What was your title?</p> <p>11 A. Video producer and editor.</p> <p>12 Q. Was your title the same throughout your</p> <p>13 entire time at Gannett?</p> <p>14 A. I think so.</p> <p>15 Q. And what was your role? What did you --</p> <p>16 when you say "video producer and editor," what does</p> <p>17 a video producer and editor do at Gannett?</p> <p>18 A. A video editor does similar to what I was</p> <p>19 talking about before where you'll get footage,</p> <p>20 you'll put it into a program, I used Adobe's</p> <p>21 Premiere, and you put different clips together to,</p> <p>22 you know, tell a story, and put music under it, add</p> <p>23 maybe a title, and then export it.</p> <p>24 A producer does everything I think</p> <p>25 from like preproduction, which is kind of pitching</p>
<p style="text-align: right;">Page 11</p> <p>1 commercials?</p> <p>2 A. Some of the -- when I was at Overtime, it</p> <p>3 was mainly documentary-style videos, and some of</p> <p>4 the videos that I worked on were branded, which</p> <p>5 means that a company -- I think in one case it was</p> <p>6 Rocket Mortgage -- gives money to Overtime, so then</p> <p>7 we put like a little watermark on it saying Rocket</p> <p>8 Mortgage, and stuff like that, and then some of the</p> <p>9 videos weren't -- were not branded.</p> <p>10 Q. So when it was branded, did you have to do</p> <p>11 anything different with the content you were</p> <p>12 creating?</p> <p>13 A. No.</p> <p>14 Q. So you did the same thing whether it was</p> <p>15 commercial or noncommercial?</p> <p>16 A. Yes.</p> <p>17 Q. Do you know who owns Overtime?</p> <p>18 A. No.</p> <p>19 Q. And then how long did you work at Overtime?</p> <p>20 A. Probably -- about a year. I don't really</p> <p>21 remember.</p> <p>22 Q. What was your title there?</p> <p>23 A. Video editor.</p> <p>24 Q. And then what did you do before Overtime?</p> <p>25 A. I was at USA Today, so Gannett.</p>	<p style="text-align: right;">Page 13</p> <p>1 ideas. And then production, so on the day the idea</p> <p>2 comes to fruition, I would be on set kind of</p> <p>3 talking to the talent, if we had talent, and having</p> <p>4 the idea for the video kind of come to fruition.</p> <p>5 Q. And you did both while you were at Gannett?</p> <p>6 A. Yes.</p> <p>7 Q. Did you do -- when were you a producer?</p> <p>8 A. It was pretty much the entire time that I</p> <p>9 was here. I would kind of go back and forth.</p> <p>10 Sometimes I would edit projects that I didn't</p> <p>11 produce and sometimes I'd be editing projects that</p> <p>12 I did produce.</p> <p>13 Q. And so which -- when you were -- when you</p> <p>14 were working on a project that you produced, did</p> <p>15 you do it for a certain segment or a division or a</p> <p>16 publication?</p> <p>17 A. No, it was -- I -- it was just for the</p> <p>18 same -- like for the USA Today Sports. It might</p> <p>19 have mainly been for the YouTube channel a lot of</p> <p>20 the stuff.</p> <p>21 But we have a very small team, so it's</p> <p>22 like if we have -- we would have discussions with</p> <p>23 everyone and everyone's ideas were taken into</p> <p>24 consideration, so it was a very nice place to work.</p> <p>25 Q. It was, I'm sorry, a very what?</p>

<p style="text-align: right;">Page 38</p> <p>1 A. Yes.</p> <p>2 <b>Q. And then do you remember how you uploaded</b></p> <p>3 <b>into Presto?</b></p> <p>4 A. If you open Presto, I forget exactly how I</p> <p>5 got -- but it's like an option to upload video.</p> <p>6 You just click on it, and then I think it's like</p> <p>7 Find on your desktop, and I would have the video on</p> <p>8 my desktop and click on my video and then upload</p> <p>9 it.</p> <p>10 <b>Q. Would you upload music as well?</b></p> <p>11 A. Not separately. It would be in the video.</p> <p>12 <b>Q. So --</b></p> <p>13 A. So --</p> <p>14 <b>Q. Go ahead.</b></p> <p>15 A. I was just going to -- yeah, so not -- never</p> <p>16 music by itself.</p> <p>17 <b>Q. And what about photos?</b></p> <p>18 A. I don't remember.</p> <p>19 <b>Q. What about graphics?</b></p> <p>20 A. No.</p> <p>21 <b>Q. So what you uploaded into Presto was a</b></p> <p>22 <b>finished product; is that right?</b></p> <p>23 A. Yes.</p> <p>24 <b>Q. Have you ever heard of a thing called a</b></p> <p>25 <b>keyframe?</b></p>	<p style="text-align: right;">Page 40</p> <p>1 blue, and it will slowly transition from one to the</p> <p>2 other.</p> <p>3 <b>Q. And that's something you would do typically</b></p> <p>4 <b>in the editing process; is that right?</b></p> <p>5 A. Yes.</p> <p>6 <b>Q. Did you ever use photos when you were doing</b></p> <p>7 <b>a keyframe?</b></p> <p>8 A. Yes, almost all the time.</p> <p>9 <b>Q. And when you designated a photo for use as</b></p> <p>10 <b>the keyframe at Gannett, that would have been a</b></p> <p>11 <b>photo that you obtained from where?</b></p> <p>12 A. That website that I don't remember usually.</p> <p>13 <b>Q. Something that was provided to you?</b></p> <p>14 A. Yeah, that, or a screenshot from within the</p> <p>15 video, just because that stuff seems kind of</p> <p>16 like -- like if someone was at Giants Stadium, as I</p> <p>17 said, and they took a video of the stadium and it</p> <p>18 -- the video only lasted a half a second, I could</p> <p>19 take a screenshot of it and then put it in the</p> <p>20 video and make it last five seconds.</p> <p>21 <b>Q. And that's when you're producing a -- a</b></p> <p>22 <b>video; is that correct?</b></p> <p>23 A. I'd say that's more on the edit side where</p> <p>24 I'm -- you know, in Premiere, and I decide</p> <p>25 that because almost always if I have a video I'm</p>
<p style="text-align: right;">Page 39</p> <p>1 A. Yes.</p> <p>2 <b>Q. What is a keyframe?</b></p> <p>3 A. A keyframe is something that could be in</p> <p>4 Premiere or After Effects, and it kind of has all</p> <p>5 of the effects locked into it. So if I have a</p> <p>6 photo and I wanted to like zoom in a little bit, a</p> <p>7 scale is one of the effect options.</p> <p>8 So this keyframe has it scaled at 100,</p> <p>9 and in two seconds the keyframe will have it scaled</p> <p>10 at 110, and so over that two seconds, you'll see it</p> <p>11 zoom in to scale to be 110.</p> <p>12 The further they are apart in that</p> <p>13 situation, the slower it would zoom in, and the</p> <p>14 closer they are, like the less time it took to take</p> <p>15 it to one keyframe to the next, the faster it would</p> <p>16 go.</p> <p>17 <b>Q. So it sounds like keyframes are points along</b></p> <p>18 <b>a timeline that you would designate a -- a time one</b></p> <p>19 <b>and a time two, and the computer would go between</b></p> <p>20 <b>those two times; is that fair?</b></p> <p>21 A. Yes. And you could apply any effects to</p> <p>22 each of them. Scale is just one of the options.</p> <p>23 You could have like the opacity change</p> <p>24 or like a color change from keyframe to keyframe,</p> <p>25 so here the image looks green and here it looks</p>	<p style="text-align: right;">Page 41</p> <p>1 allowed to use, the screenshots within -- like a</p> <p>2 screenshot of the video is fair game as well.</p> <p>3 <b>Q. How do you know that?</b></p> <p>4 A. Based only on experience where I haven't had</p> <p>5 any issues doing that before.</p> <p>6 <b>Q. You've never asked anybody about this</b></p> <p>7 <b>understanding; is that fair?</b></p> <p>8 A. I haven't asked anyone, no.</p> <p>9 <b>Q. Okay. And you didn't -- when were you at</b></p> <p>10 <b>Gannett, you never asked -- I forgot Christine's</b></p> <p>11 <b>last name.</b></p> <p>12 A. Conetta.</p> <p>13 <b>Q. Conetta. You never asked Ms. Conetta for</b></p> <p>14 <b>permission to do something like that, right?</b></p> <p>15 A. I don't remember.</p> <p>16 <b>Q. Do you think you would need to ask</b></p> <p>17 <b>Ms. Conetta for permission to do something like</b></p> <p>18 <b>that?</b></p> <p>19 A. No.</p> <p>20 <b>Q. Why not?</b></p> <p>21 A. Because if I have permission to use -- like</p> <p>22 if the video is being given to me and I can use</p> <p>23 that, then, you know, I don't -- I -- there's -- to</p> <p>24 me there would be no reason why I wouldn't be able</p> <p>25 to take a screenshot from the video that I'm being</p>

<p style="text-align: right;">Page 42</p> <p>1 given and using it.</p> <p>2 Q. Okay. So, now -- let's back up a second.</p> <p>3 Have you ever worked in the past with</p> <p>4 Ms. Katie Sowers?</p> <p>5 A. No.</p> <p>6 Q. Have you ever worked with Microsoft in the</p> <p>7 past?</p> <p>8 A. I don't remember.</p> <p>9 Q. Have you ever worked with Catch+Release in</p> <p>10 the past?</p> <p>11 A. I don't remember.</p> <p>12 Q. Have you ever worked with McCann advertising</p> <p>13 agency in the past?</p> <p>14 A. I don't think -- I don't remember, but I'm</p> <p>15 pretty sure no.</p> <p>16 Q. When you would -- but when you would keep</p> <p>17 track of the -- your time or the work that you</p> <p>18 would do on a project, did you ever do time entry</p> <p>19 or time records?</p> <p>20 A. I don't remember.</p> <p>21 Q. So when you would do -- when you would work</p> <p>22 long hours, did you get paid overtime?</p> <p>23 A. No, not at Gannett.</p> <p>24 Q. So you would work, you would come to work in</p> <p>25 the morning, leave in the afternoon or leave in the</p>	<p style="text-align: right;">Page 44</p> <p>1 A. Well, I feel like just like the dates of</p> <p>2 when this stuff was published. Is that --</p> <p>3 Q. So let me -- if I can do it here -- I'm</p> <p>4 going to hopefully -- let me look here real quick.</p> <p>5 I'm not sure if I am a -- I can. Good. Okay.</p> <p>6 I'm going to show you something that's</p> <p>7 been previously marked. Give me just a second.</p> <p>8 It's been previously marked as RS Depo</p> <p>9 Exhibit 3. For the purposes of today's deposition</p> <p>10 we're going to call it Deposition Exhibit 3.</p> <p>11 A. Okay. So Initial Publish, yeah, so that</p> <p>12 makes sense. All right. Yeah, 2020.</p> <p>13 Q. So can you describe what this is?</p> <p>14 A. That is an image of like something in</p> <p>15 Presto. I want to use a word that I feel like</p> <p>16 doesn't apply to this, so I'm trying to think of</p> <p>17 something. It's like an asset, an asset in Presto.</p> <p>18 Q. What do you mean by "an asset in Presto?"</p> <p>19 What does that mean?</p> <p>20 A. Well, because in Presto I think -- I don't</p> <p>21 know everything that you can upload to Presto. So,</p> <p>22 to me, it looks like a video uploaded to Presto,</p> <p>23 but it probably could be -- I use "asset" because</p> <p>24 I'm not sure what else can be uploaded to Presto.</p> <p>25 I think if you upload an article, it</p>
<p style="text-align: right;">Page 43</p> <p>1 evening, and you would come back the next day, you</p> <p>2 never had to keep track of the time you spent?</p> <p>3 A. Yeah, not at Gannett. But if I did work</p> <p>4 late, I -- like for the Super Bowl, for example, I</p> <p>5 worked late that night and I got the next day off.</p> <p>6 Q. And that was just -- it was not required, or</p> <p>7 anything like that, it was just kind of unspoken,</p> <p>8 if you worked long hours, you don't have to come in</p> <p>9 early the next day kind of thing?</p> <p>10 A. Yeah.</p> <p>11 Q. So did you -- you just talked about the</p> <p>12 Super Bowl. What work did you do with the Super</p> <p>13 Bowl?</p> <p>14 And this is the 2000 -- which Super</p> <p>15 Bowl was it, 2019?</p> <p>16 A. I don't remember. Yeah. Sorry.</p> <p>17 Q. No, you're fine. Hold on a second.</p> <p>18 So it was the Super Bowl in 2020,</p> <p>19 right?</p> <p>20 A. I don't remember, but if I -- if -- I trust</p> <p>21 you if you're telling me that's the truth.</p> <p>22 Q. Well, I don't want to be guessing here.</p> <p>23 Is there anything I can show you that</p> <p>24 would refresh your recollection about your work on</p> <p>25 the Super Bowl?</p>	<p style="text-align: right;">Page 45</p> <p>1 could look similar. So that's why I say "asset,"</p> <p>2 just to kind of give a broader umbrella just over</p> <p>3 anything that could be uploaded, but, to me,</p> <p>4 specifically I would think a video.</p> <p>5 Q. Okay. And so this is something within</p> <p>6 Presto; is that correct?</p> <p>7 A. Yes.</p> <p>8 Q. I'm sorry?</p> <p>9 A. Yes,</p> <p>10 Q. And what is it? Can you describe it for us,</p> <p>11 other than it's an asset? What is exactly -- what</p> <p>12 does this show?</p> <p>13 A. So that is the title of the asset and like a</p> <p>14 brief description, and then below it are tags. So</p> <p>15 this was for the Super Bowl Ad Meter, so one of the</p> <p>16 tags is Super Bowl Ad Meter and Super Bowl Ads.</p> <p>17 And tags are kind of just like, you</p> <p>18 know, if you saw an umbrella, it would be like</p> <p>19 umbrella, rain, the weather. So these are just</p> <p>20 like words that kind of go with the video.</p> <p>21 Q. And who did this?</p> <p>22 A. I did this.</p> <p>23 Q. So tell me what you did here.</p> <p>24 A. Here, I don't remember exactly how I got the</p> <p>25 video, but I uploaded a video, took a screenshot</p>

<p style="text-align: right;">Page 46</p> <p>1 from the video and uploaded it and added it to be 2 the thumbnail, and then I came up with the title 3 and a brief description, came up with the tags. 4 Some of the tags were given to me. 5 Like for all of them, I think they had, you know, 6 Super Bowl Ads and Super Bowl Ad Meter, and then 7 published it. 8 And after that, I'm pretty sure there 9 was like some type of document that I put some of 10 the information in. 11 <b>Q. So backing up a second, were you the</b> 12 <b>producer or the editor on this project?</b> 13 A. So this was -- I want to say neither, 14 because -- so the content, like the video that we 15 were given for this, I didn't produce or edit. It 16 was a commercial that I just uploaded for the 17 purpose of some contest for people to vote on. 18 So I didn't produce or edit this 19 video. That was published. 20 <b>Q. How do you know it was uploaded for people</b> 21 <b>to vote on?</b> 22 A. I don't know. I was kind of just like told 23 what to do. And we got so many ads that night, I 24 honestly felt like a robot, like I was just, you 25 know, copying and pasting a formula that I knew.</p>	<p style="text-align: right;">Page 48</p> <p>1 <b>Meter 2020: Microsoft. Who put that there?</b> 2 A. I did. 3 <b>Q. And why did you do that?</b> 4 A. Because it was -- so all of the videos that 5 uploaded that night started with Ad Meter 2020, and 6 then the ad was for Microsoft. 7 <b>Q. And who told you to call this Ad Meter 2020</b> 8 <b>as a title?</b> 9 A. I don't remember. 10 <b>Q. Did somebody tell you to do it or did you</b> 11 <b>come up with it on your own?</b> 12 A. I don't remember. 13 <b>Q. You said all of them had the same title.</b> 14 <b>Would that have been the way you do most of your</b> 15 <b>projects, did you title -- did you call them the</b> 16 <b>same title?</b> 17 A. It's kind of back and forth. Some do, some 18 don't. 19 <b>Q. Okay. Why would you use the title Ad Meter</b> 20 <b>2020?</b> 21 A. I think because this was uploaded for the 22 sole purpose to be rated to be on Ad Meter. 23 <b>Q. And do you believe somebody told you that?</b> 24 A. I mean, I definitely knew that I was 25 uploading all of these ads for the only purpose to</p>
<p style="text-align: right;">Page 47</p> <p>1 Like with Presto, I kind of just 2 uploaded there and I don't know what happens after 3 that. 4 <b>Q. Well, who was -- you say you were kind of</b> 5 <b>just being a robot doing what you were told to do.</b> 6 <b>Who told you to do it?</b> 7 A. Christine. 8 <b>Q. And what did she tell you?</b> 9 A. That we will get the ads and I will just 10 upload them, do the brief little title, little 11 summary, and then all the tags. 12 And after that, I think I put like the 13 link in a document and I -- someone else kind of 14 takes it from there. I don't really remember. 15 <b>Q. And then what -- when you uploaded it to --</b> 16 <b>you uploaded to Presto; is that correct?</b> 17 A. Yes. 18 <b>Q. Who accesses Presto?</b> 19 A. I don't know. 20 <b>Q. Do you know who accessed this content?</b> 21 A. No. 22 <b>Q. So I'm going to break down some of what you</b> 23 <b>just described. I'm going to kind of look at</b> 24 <b>different parts of this.</b> 25 So we have a title that's called Ad</p>	<p style="text-align: right;">Page 49</p> <p>1 be on Ad Meter. So I could see both scenarios of 2 me coming up with it and someone telling me to do 3 it, like both could have definitely happened. I 4 just don't remember which it was. 5 <b>Q. So how do you know they were voted on?</b> 6 A. I don't know. 7 <b>Q. Did somebody tell you they were voted on?</b> 8 <b>Did you vote on them?</b> 9 A. I didn't vote on them, but I assume someone 10 told me that they were voted on. 11 <b>Q. Did you ever see them voted on?</b> 12 A. I don't think so, no. 13 <b>Q. Did you ever see -- I assume this was used</b> 14 <b>in some other kind of content, whether it's a web</b> 15 <b>page or something, right?</b> 16 A. I don't know. 17 <b>Q. Okay. So was this published?</b> 18 A. I don't know. I'm assuming it was, because 19 since all of this has happened, I know that it has 20 been unpublished. 21 <b>Q. So at one point in time you believe it was</b> 22 <b>published and then it was unpublished subsequently;</b> 23 <b>is that right?</b> 24 A. Correct. 25 <b>Q. What does published mean to you?</b></p>



<p style="text-align: right;">Page 50</p> <p>1 A. Published means to me that anyone with the 2 correct website or -- anyone could see it. It's 3 like out for the public to see. 4 Q. Okay. So then we -- underneath the title Ad 5 Meter 2020: Microsoft, there's another description. 6 It says, Ad Meter 2020: Microsoft highlights Katie 7 Sowers journey to the Super Bowl. 8 Did you write that? 9 A. Yes. 10 Q. And who told you to put that there? 11 A. I don't remember if it was me or someone 12 else for the Ad Meter 2020, a very similar 13 situation to the title, but I came up with each 14 little summary myself. 15 Q. And that was what you were doing when you 16 were working late during the Super Bowl; is that 17 right? 18 A. Correct. 19 Q. That was part of your job when you were 20 hired by Gannett, you were working for them doing 21 this, correct? 22 A. Correct. 23 Q. And then who came up with these tags? 24 A. Some of them were kind of given to me that I 25 knew to put up and then some I came up with on my</p>	<p style="text-align: right;">Page 52</p> <p>1 Q. And do you -- do you see where it says 2 Source, USA Today? 3 A. Yes. 4 Q. Do you know what that means? 5 A. No. 6 Q. When it says Classification, do you know 7 what that means? 8 A. No. 9 Q. Do you know what Authoring Type means? 10 A. I can assume, but I don't know. 11 Q. What do you think it means? 12 A. I think it's just like how I said before, 13 how I'm pretty sure you could upload different 14 things to Presto, so I think that's just like what 15 category. So this was a video. So if someone 16 uploaded an article, it could say article, and 17 things like that. 18 Q. And then when it says "Initial Publish" down 19 below, can you read that? 20 A. Yes. Initial Publish, January 28th, 2020, I 21 assume. It's kind of cut off halfway, so I can't 22 really read the -- 23 MR. MARTINEAU: I'm going to show her 24 a hard copy if that's okay. 25 MR. SHAFFER: Yeah, that's fine.</p>
<p style="text-align: right;">Page 51</p> <p>1 own based on the content that was in the ad. 2 Q. Okay. So you watched all of the videos? 3 A. Yes. I'm not sure I watched them all all 4 the way through, but I -- you know, I watched them 5 enough to get a little idea of what they were 6 about. 7 Q. And then to the right we see some kind of a 8 pop-up window. 9 Do you know what that is? 10 A. Yeah, but I would just describe it as a 11 pop-up window as well. 12 Q. What is it? 13 A. It is a pop-up window that has information 14 about the video. 15 Q. And who put that information in there? 16 A. That I don't know. I think Presto generates 17 that itself. 18 Q. And do you see where it says Created by 19 jrindner@usatoday.com? 20 A. Yes. 21 Q. Was that your email address when you worked 22 at USA -- at Gannett? 23 A. Yes. 24 Q. And do you know who Mr. Trautmann is? 25 A. No.</p>	<p style="text-align: right;">Page 53</p> <p>1 THE WITNESS: Okay. So, yeah, January 2 28th, 2022 (sic), at 12:07:54 p.m. 3 BY MR. SHAFFER: 4 Q. I just want to make sure, you said 2022. 5 Did you mean 2020? 6 A. Sorry. It's just 20 on there. 7 Q. Okay. So do you think it was 2020 or 2022? 8 A. I think it was 2020. 9 Q. And the time, what time is that? 10 A. That's 12:07:54. 11 Q. So that would be just after lunch Eastern 12 time; is that correct? 13 A. Yes. 14 Q. And do you know if there's anything else 15 that was in that -- that would be in that pop-up 16 window that we can't see? 17 A. I don't know. 18 Q. Have you ever seen that pop-up window 19 before? 20 A. Yes. 21 Q. When would you use the pop-up window? 22 A. So that little code that is at the top is 23 like a reference number to whatever asset is in 24 Presto. So if someone needed to access whatever 25 asset, they would ask for that number, and I'd open</p>



<p style="text-align: right;">Page 54</p> <p>1 the pop-up window, copy that number and send it to 2 them. 3 Q. And by giving them that number, then they 4 could access the content; is that right? 5 A. Correct. 6 Q. And do you know what they would do with that 7 number once they -- once they got that number, 8 assuming they wanted to use it? 9 A. So at -- 10 MR. MARTINEAU: Object to the form. 11 Go ahead, you can answer. 12 THE WITNESS: They would use it in 13 Presto to search for the asset. 14 BY MR. SHAFFER: 15 Q. And then what could they do with the asset 16 once they found it? 17 A. They could download it and they could -- 18 yeah, download it and have a hard copy of it, or 19 change anything, like they could change the title, 20 change the tag, add a tag. 21 Q. And could they use it in -- now, you 22 understand Gannett is a publication company, right? 23 A. Yes. 24 Q. And you understand that there are a number 25 of people that you -- a number of different</p>	<p style="text-align: right;">Page 56</p> <p>1 Q. Do you know if -- do you know if any other 2 of the Gannett publications had access to Presto? 3 A. I don't know. 4 Q. Okay. Did you ever speak to anybody at any 5 other publication? 6 A. No. 7 Q. You only spoke with your team and the people 8 in your team; is that fair? 9 A. Yes. 10 Q. Okay. If somebody was going to communicate 11 with your team, would they call you or would they 12 call your -- Ms. Conetta? 13 A. They would reach out to her. 14 Q. Okay. 15 A. I'm sorry, I have allergies. Can I blow my 16 nose really quick? 17 (Recess.) 18 BY MR. SHAFFER: 19 Q. So you mentioned earlier that you -- I think 20 you said you edited the video, is that correct, in 21 this -- that's referenced in this Exhibit 3? 22 A. No, I did not edit this video. 23 Q. Did you do any kind of screen captures in 24 this video? 25 A. Yes, I took a screenshot from this video.</p>
<p style="text-align: right;">Page 55</p> <p>1 publications that have access to Presto; is that 2 correct? 3 A. I don't -- I don't know. 4 Q. So who would be looking for that -- that 5 code? 6 A. So an example, when I was done editing a 7 video, I would send out an email saying, Video 8 finalized, and I would include this code in the 9 email. 10 And then if I was out to lunch and 11 I -- my boss was like, Hey, you had a typo in the 12 title, I could send the code or one of my coworkers 13 who I sent my final email to could then access the 14 code, then access the video, and change -- fix my 15 typo. 16 Q. Okay. So anybody that you sent the email to 17 could have access to modify the video or correct 18 the typos or whatever? 19 A. I -- they would also have to have access to 20 Presto. 21 Q. Sure. 22 A. And -- yeah. 23 Q. And do you know who had access to Presto? 24 A. I know that a few people on my team did, but 25 I don't know everyone who had access to it.</p>	<p style="text-align: right;">Page 57</p> <p>1 Q. And why did you do that? 2 A. I took a screenshot from the video to use as 3 a thumbnail. 4 Q. So I'm going to ask -- I'm going to repeat 5 my question. You didn't answer my question. It 6 might seem technical, but I asked a question which 7 is different than the question you answered. 8 A. Sorry. 9 Q. My question was, why did you take a 10 screenshot? 11 A. Okay. So I took a screenshot of the video 12 to use as a thumbnail for the video. 13 Q. Why? 14 A. Because we -- thumbnails are something that 15 I was told that we -- I needed to get for the 16 videos. 17 Q. Who told you that? 18 A. I can assume my boss. 19 Q. Is that Ms. Conetta? 20 A. Yeah. 21 Q. Do you know why she told you that you needed 22 to get a screenshot? 23 A. I can assume again, but I don't know -- I -- 24 I think because the thumbnails are used to kind of 25 give a little -- like an idea of the video. So if</p>

<p style="text-align: right;">Page 58</p> <p>1 we didn't have a thumbnail, it would just be a 2 black screen, and it would be like voting for 3 Microsoft's ad and then the black screen. 4 I feel like sometimes, especially in 5 Ad Meter, people are voting on the ads after having 6 had watched the Super Bowl, so they're not watching 7 the ads again, they're just voting on what they've 8 already seen, so they -- and they just are also 9 kind of used as a reminder. 10 Q. And did Ms. Conetta tell you which image to 11 use, to take a screenshot of? 12 A. No. 13 Q. How did you determine which image to take a 14 screenshot of? 15 A. I don't remember. 16 Q. What do you think? 17 A. Yeah, I can assume that I just picked the 18 one that I thought kind of looked the best and told 19 the story of the ad the best. 20 And also like quality-wise, taking a 21 screenshot of the still comes out with a better 22 quality of, you know, another still, as opposed to 23 taking a screenshot of a video where there could be 24 some pixelation or things like that. 25 Q. Do you know there was some pixelation in</p>	<p style="text-align: right;">Page 60</p> <p>1 stuff if you are. 2 If you're not representing her, 3 clearly, you know, she's welcome to keep going the 4 way she's going. I don't know the answer to that 5 question, so -- 6 BY MR. SHAFFER: 7 Q. And, Ms. Rindner, I just wanted to mention 8 that. I'm not necessarily trying to get in the 9 middle of Gannett's conversations with their 10 lawyers. 11 But my -- my question to you is, you 12 know, since learning about this lawsuit, have 13 you -- have you watched the video? 14 A. Yes, I briefly watched it. 15 Q. And, again, without getting into what maybe 16 the lawyers have discussed with, you know, Gannett, 17 what is your understanding of the lawsuit? 18 A. That Microsoft -- in the Microsoft ad an 19 image was used that they were not supposed to use, 20 and that, unfortunately, it happens to be one of 21 the -- it happens to be an image that I used as the 22 thumbnail. 23 And that someone didn't -- like 24 Microsoft didn't have the copyright to be able to 25 use that image originally.</p>
<p style="text-align: right;">Page 59</p> <p>1 this video? 2 A. So the -- if there's no -- so if I take a 3 screenshot of someone's like hand moving, it will 4 be pixelly in the screenshot whether it's in the 5 video or not originally. 6 Q. Well, isn't a screenshot just simply a 7 reproduction of what's on the screen? 8 A. Yes, exactly. So for other ads I kind of 9 had trouble finding screenshots because they would 10 be moving so fast, so if I'm taking a screenshot 11 and someone is in motion, it doesn't look good. 12 Q. Sure. Sure. So it's best to get an image 13 that -- well, I think you said, looks the best, 14 reminds them of the video, and you mentioned -- and 15 quality-wise was good; is that correct? 16 A. Yes. 17 Q. Did you watch -- and since -- since you knew 18 about this -- I assume you've heard about this 19 lawsuit. 20 A. Yes, I did watch it. We kind of -- 21 Q. Let me -- let me jump up just a second just 22 to make sure. 23 MR. SHAFFER: Joe, I don't want to get 24 in -- I don't know if you're representing her, but 25 I don't want to get into attorney/client privilege</p>	<p style="text-align: right;">Page 61</p> <p>1 Q. Okay. Anything else? 2 A. Nope. 3 Q. And you create content for a living, don't 4 you? 5 A. Yes. 6 Q. Do you think copyright is important? 7 A. Yes. 8 Q. I mean, that's kind of how you earn your 9 living is by creating stories using video and 10 music, and everything else, right? 11 A. Yes. 12 Q. So do you think it's appropriate to take 13 somebody else's content and use it without asking 14 for permission? 15 MR. MARTINEAU: Let me just object to 16 the form. 17 Go ahead, you can answer. 18 THE WITNESS: I think that there's 19 like -- I think fair use is valid as well, but I 20 have mixed feelings about it. 21 BY MR. SHAFFER: 22 Q. So you don't -- you say mixed use. Do you 23 think it's appropriate to use somebody else's 24 content without asking for permission? 25 A. I think that if you -- I think that like</p>

<p style="text-align: right;">Page 66</p> <p>1 A. I don't, but if someone -- yeah, I don't. I</p> <p>2 don't think so.</p> <p>3 Q. And so, for example, it doesn't matter the</p> <p>4 resolution that we're talking about; is that</p> <p>5 correct?</p> <p>6 A. I don't know.</p> <p>7 Q. So, now, you mentioned you -- you watched</p> <p>8 the video and you obtained a screenshot of an image</p> <p>9 from the video; is that correct?</p> <p>10 A. Correct.</p> <p>11 MR. SHAFFER: Let me see if I can do</p> <p>12 this, Joe. I'm going to -- I don't know how the --</p> <p>13 how your Internet connection is. I'm going to try</p> <p>14 to -- am I still sharing my screen?</p> <p>15 MR. MARTINEAU: Yes.</p> <p>16 MR. SHAFFER: Okay.</p> <p>17 MR. MARTINEAU: No.</p> <p>18 MR. SHAFFER: Okay. Hold on just one</p> <p>19 second.</p> <p>20 So I -- I don't know if Dina is on,</p> <p>21 but this is going to be marked for the purposes of</p> <p>22 today's deposition as Exhibit 10.</p> <p>23 (Exhibit 10 was marked for</p> <p>24 identification.)</p> <p>25 BY MR. SHAFFER:</p>	<p style="text-align: right;">Page 68</p> <p>1 BY MR. SHAFFER:</p> <p>2 Q. Do you recognize that video?</p> <p>3 A. Yes.</p> <p>4 Q. Can you -- was that the video that you saw</p> <p>5 in connection with the Ad Meter project you worked</p> <p>6 on for Gannett?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. And is that the video of where you</p> <p>9 took the screen capture from?</p> <p>10 A. Yes.</p> <p>11 Q. So did you receive this video from somebody</p> <p>12 at Gannett?</p> <p>13 A. I don't remember.</p> <p>14 Q. But somehow you got -- you watched the</p> <p>15 video, correct?</p> <p>16 A. Yes.</p> <p>17 Q. And you were told that you needed to get a</p> <p>18 picture from this video to use as part of the</p> <p>19 Presto content that you were creating; is that</p> <p>20 correct?</p> <p>21 A. Yes.</p> <p>22 Q. So describe for me what you did to determine</p> <p>23 which image you were going to use.</p> <p>24 A. I would just pick which one I thought looked</p> <p>25 the best.</p>
<p style="text-align: right;">Page 67</p> <p>1 Q. And if I can do a screen share.</p> <p>2 So can you see my screen, Ms. Rindner?</p> <p>3 A. Yes.</p> <p>4 Q. And if you look over to the right of the</p> <p>5 screen, I don't know what yours shows, but I assume</p> <p>6 it shows what mine does, do you see where it says</p> <p>7 Name and, it says, microsoft-be-the-one-2020-super-</p> <p>8 bowl-with-katie-sowers.mp4?</p> <p>9 A. Yes.</p> <p>10 Q. This is a video that -- that I believe was</p> <p>11 provided by counsel.</p> <p>12 MR. SHAFFER: I'm not 100 percent</p> <p>13 sure, Joe, but I think this is one you sent to us</p> <p>14 on a thumb drive.</p> <p>15 MR. MARTINEAU: Yeah. For the record,</p> <p>16 it is one that we sent you that we obtained from</p> <p>17 YouTube.</p> <p>18 MR. SHAFFER: Yeah.</p> <p>19 BY MR. SHAFFER:</p> <p>20 Q. So I'm going to show -- is this -- I'm going</p> <p>21 to show you this video, it's 60 seconds, and then</p> <p>22 we'll talk about it, but I just want to make sure</p> <p>23 Joe and I are on the same page as to what it is,</p> <p>24 so --</p> <p>25 (Video played.)</p>	<p style="text-align: right;">Page 69</p> <p>1 Q. So I'm going to go to the very beginning.</p> <p>2 Bear with me.</p> <p>3 At time zero there's an image, right?</p> <p>4 A. Yes.</p> <p>5 Q. Did you use that image?</p> <p>6 A. No.</p> <p>7 Q. Why not?</p> <p>8 A. Because it doesn't tell the story of the</p> <p>9 commercial.</p> <p>10 Q. Okay. And what is the story of the</p> <p>11 commercial? Let me ask you that.</p> <p>12 A. It is about a woman becoming the first</p> <p>13 football coach in the Super Bowl.</p> <p>14 Q. So I'm going to advance to the -- now, we</p> <p>15 see kind of a blurry thing here. When you</p> <p>16 mentioned blurry earlier, is this what you're</p> <p>17 referring to?</p> <p>18 A. No.</p> <p>19 Q. But this appears to be another image,</p> <p>20 correct?</p> <p>21 A. Yes.</p> <p>22 Q. You didn't use this image either, correct?</p> <p>23 A. Correct.</p> <p>24 Q. And I'm going to keep advancing. I think</p> <p>25 I'm at the first-second mark right now.</p>

<p style="text-align: right;">Page 94</p> <p>1 your -- for their publications, correct?</p> <p>2 A. Correct.</p> <p>3 Q. As far as you know, did anybody tell them</p> <p>4 they had to use your photo or use the photo that</p> <p>5 you took a screenshot of for their publications?</p> <p>6 A. I don't know.</p> <p>7 Q. Do you know in total the number of</p> <p>8 publications that used the screenshot of the</p> <p>9 photograph that you took?</p> <p>10 A. No, I don't know.</p> <p>11 Q. I asked you earlier --</p> <p>12 MR. SHAFFER: Joe, good?</p> <p>13 MR. MARTINEAU: I'm sorry. I'm just</p> <p>14 stretching my back.</p> <p>15 MR. SHAFFER: Yeah, I know. You're</p> <p>16 fine.</p> <p>17 BY MR. SHAFFER:</p> <p>18 Q. Ms. Rindner, I asked you earlier about when</p> <p>19 you started working at Gannett. Are you aware that</p> <p>20 Gannett had a copyright guide?</p> <p>21 A. No.</p> <p>22 Q. Did anybody ever tell you, give you any</p> <p>23 instructions about taking screenshots or using</p> <p>24 photos and asking for permission in advance?</p> <p>25 A. I don't remember.</p>	<p style="text-align: right;">Page 96</p> <p>1 I feel like that was kind of common</p> <p>2 knowledge that I had, but the idea of taking a</p> <p>3 screenshot from a video that we were led to believe</p> <p>4 that we could use kind of I feel like categorized</p> <p>5 itself differently in my brain.</p> <p>6 Q. So let me break that down. Who told you</p> <p>7 that you could use the video?</p> <p>8 A. I don't remember. I -- it was part of the</p> <p>9 project, so either my boss or -- so I think Rick</p> <p>10 was the other guy that we were working on the</p> <p>11 project with, so my job was just uploading these</p> <p>12 videos.</p> <p>13 So I feel like it wasn't like you're</p> <p>14 allowed to do this one specific, but it was just</p> <p>15 part of the job at the time.</p> <p>16 Q. So when you say your job was to upload the</p> <p>17 videos, did Mr. Suter ever tell you that you had</p> <p>18 permission to use the video?</p> <p>19 A. I don't remember.</p> <p>20 Q. Did Ms. Conetta tell you that you had</p> <p>21 permission to use the video?</p> <p>22 A. I don't remember.</p> <p>23 Q. Did anybody else ever tell you that you had</p> <p>24 permission to use the video?</p> <p>25 A. Well, my job was uploading the videos, so</p>
<p style="text-align: right;">Page 95</p> <p>1 Q. Sitting here today, do you have any</p> <p>2 knowledge of ever being told that you needed to ask</p> <p>3 for permission from -- prior to using a -- a</p> <p>4 screenshot of a photograph?</p> <p>5 A. I don't know.</p> <p>6 Q. Well, you don't know -- I understand you</p> <p>7 don't know. My question is a little bit different.</p> <p>8 My question is, sitting here today, do</p> <p>9 you have any knowledge that anybody provided</p> <p>10 instructions to you regarding use of a screenshot?</p> <p>11 A. I don't remember. So, I guess, today</p> <p>12 sitting here, not that I know of.</p> <p>13 Q. Okay. If somebody were to show you the</p> <p>14 Gannett copyright guide, would that refresh your</p> <p>15 recollection about being told one way or another?</p> <p>16 A. No.</p> <p>17 Q. What would help you recall if you were ever</p> <p>18 given instructions about using a screenshot?</p> <p>19 A. I think it might be lost in my memory. I'm</p> <p>20 not sure if anything could, because I do think that</p> <p>21 there is a difference between taking a screenshot</p> <p>22 of a video that we were led to believe that we</p> <p>23 could use. And I feel like I kind of know that I</p> <p>24 couldn't just Google, you know, Tom Brady and take</p> <p>25 any picture off the Internet.</p>	<p style="text-align: right;">Page 97</p> <p>1 someone saying, Jesse, you have permission to</p> <p>2 upload this video, I feel like might have kind of</p> <p>3 been unspoken. Like if I didn't upload all of the</p> <p>4 videos, I wasn't doing my job.</p> <p>5 Q. But who told you that it was your job to</p> <p>6 upload the videos?</p> <p>7 A. My boss, Christine.</p> <p>8 Q. Okay. Do you recall the exact language she</p> <p>9 used when she told you that?</p> <p>10 A. No.</p> <p>11 Q. Do you remember when she told you that?</p> <p>12 A. No.</p> <p>13 Q. Do you know if it was the same day you were</p> <p>14 doing it or a different day?</p> <p>15 A. I think I probably had about a month's</p> <p>16 notice, just to get, you know, mentally prepared,</p> <p>17 just a heads-up.</p> <p>18 Q. And do you remember, was that at a meeting</p> <p>19 that you had with Ms. Conetta?</p> <p>20 A. I don't remember.</p> <p>21 Q. Okay. Did you usually have a meeting with</p> <p>22 her to talk about upcoming projects?</p> <p>23 A. Yeah. I'm pretty sure our whole team had a</p> <p>24 weekly meeting, so it was probably first mentioned</p> <p>25 to me in the weekly meeting.</p>